



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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August 7, 2017

**BY ECF**

Honorable Judge Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Steffon Best v. Police Officer Andy Cruz, et al.,  
17 CV 4928 (RJD)(RML)

Your Honor:

I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney presumptively assigned to represent Police Officer Andy Cruz in the above-referenced matter, in which plaintiff alleges, *inter alia*, that he was falsely arrested. The undersigned respectfully requests, *sua sponte*, an enlargement of time for Officer Cruz to answer or otherwise respond to plaintiff's complaint from August 18, 2017 until October 17, 2017. Plaintiff's counsel, Baree N. Fett, Esq., consents to this request.

There are several reasons for seeking an enlargement of time in this matter. First, assuming Officer Cruz has been properly served, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent him. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). Additionally, in accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In his complaint, plaintiff alleges, *inter alia*, that he was falsely arrested but that charges were never brought. Accordingly, all records associated with the incident alleged in the complaint would be sealed pursuant to N.Y. C.P.L. § 160.50, and, in this Office's experience, take approximately 30 days to be produced.

No previous request for an enlargement to answer has been made. Accordingly, the undersigned respectfully requests, *sua sponte*, that Officer Cruz's time to answer or otherwise respond to the complaint be extended until October 17, 2017.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Melissa Wachs  
Senior Counsel  
Special Federal Litigation Division

cc:

Baree N. Fett, Esq. (By ECF)  
*Attorney for Plaintiff*